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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,566	02/21/2001	Tsuneyuki Kikuchi	Q63195	5930
7590	08/07/2006		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/788,566	KIKUCHI, TSUNEYUKI
	Examiner Dohm Chankong	Art Unit 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-12 and 14-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### DETAILED ACTION

- 1> This action is in response to Applicant's request for continued examination. Claims 1, 3-5, 7-12 and 14-22 are amended. Claims 2 and 13 are cancelled. Claims 1, 3-12 and 14-24 are presented for further examination.
- 2> This is a non-final rejection.

#### *Continued Examination Under 37 CFR 1.114*

- 3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5.22.2006 has been entered.

#### *Response to Arguments*

- 4> Applicant's arguments with respect to claims 1, 3-12 and 14-24 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5>       Claims 8, 9, 19, 20, 23 and 24 are rejected under 35 U.S.C § 102(e) as being anticipated by Abraham et al, U.S Patent No. 5,983,270 ["Abraham"].

6>       As to claim 8, Abraham discloses a method of monitoring packets transmitted on a channel connecting an application server and an end-user of said application server to each other, comprising the steps of:

      acquiring a monitoring parameter indicative of a packet to be monitored, when said end-user logs-in his|her terminal [column 5 «line 63» to column 6 «line 4»];  
      monitoring a time at which packets coincident with said monitoring parameter arrive, and determining whether there is any rule in an interval in said arrival time [column 7 «lines 51-67» | column 11 «lines 53-64»]; and

      making annunciation to said end-user when there is a certain rule in said interval [column 13 «lines 61-67»].

7>       As to claim 9, Abraham discloses ceasing monitoring when said end-user logs-out his|her terminal [column 8 «lines 23-25»].

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8> As to claims 19 and 20, as they are merely mediums that store the system of claims 8 and 9, respectively, they do not teach over the claimed limitations. Therefore claims 19 and 20 are rejected for the same reasons set forth for claims 8 and 9, supra.

9> As to claims 23 and 24, Abraham discloses the end-user is not performing an administrative function of said application server [column 5 «line 63» to column 6 «line 4» : difference between client computers and administrative computers | column 16 «lines 12-16»].

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10> Claims 1, 3-7, 10-12, 14-18 and 21-22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Abraham, in view of Nickles, U.S Patent No. 6,134,591.

11> As to claim 1, Abraham discloses a system for monitoring packets transmitted on a channel connecting an application server and an end-user of said application server to each other, comprising:

a certification server which certifies the end-user [column 5 «line 63» to column 6 «line 4»]; and

a packet monitor device which, on receipt of a request from said certification server, monitors packets transmitted on said channel [column 1 «lines 13-17» | column 7 «lines 51-67»],

wherein said certification server includes:

a first memory which stores a user management table including ID numbers of end-users, a monitoring parameter designating a packet to be monitored, a threshold parameter designating a method of monitoring said packet [Figures 9D, 17, 25A, 25B : notify rule, log rule | column 15 «lines 35-40»]; and

a second device which transmits a request to said packet monitor device to start or finish monitoring said packet at a timing when said end-user logs-in or logs-out the terminal [column 9 «lines 1-10»].

Abraham does not expressly disclose storing a password in the table or a threshold parameter or a threshold parameter designating a method of monitoring said packet

12> Abraham does disclose storing user's information, including the user's ID and access level [column 16 «lines 6-9»]. Additionally, as is well known in the art, Abraham also discloses the feature whereby a user logs on to his terminal [column 5 «lines 63-67»]. In a related field of invention, Nickles discloses a management database that stores usernames with their respective passwords for the same purpose as Abraham [Figure 7 «item 708a» | column 6 «lines 7-17»]. Therefore it would have been obvious to one of ordinary skill in the art to have reasonably inferred that Abraham's management table would contain passwords. Such a feature is implied by Abraham because he teaches that a user is monitored only after

logging into the LAN. One of ordinary skill in the art would understand this to include submitting a user ID and a password as is well known in the art. Thus, passwords are stored with user IDs, as further evinced by Nickles.

13> As to claim 3, Abraham discloses:

a fourth memory which stores a first time at which a packet transmitted from one of said application server and said user arrives, when said packet monitor device receives a request from said second device to monitor said packet [Figure 20 | column 47 «lines 14-24»]; an analyzer which monitors a second time at which packets meeting said monitoring parameter arrive, and determines whether any rule has been satisfied in an interval in said second time [column 7 «lines 51-67» | column 9 «lines 51-65» | column 47 «lines 14-24»]; and an annunciator which makes annunciation to said user when there is a certain rule in said interval [Figure 26 | column 11 «lines 53-64» | column 13 «lines 62-67»].

14> As to claim 4, Abraham discloses wherein said certification server includes a first device which updates said monitoring parameter and said threshold parameter, when instructed by said user [column 2 «lines 54-60» | claim 1].

15> As to claims 5 and 6, Abraham discloses the packet monitor device including:  
a second memory which stores said monitoring parameter transmitted from said second device [column 7 «lines 22-50»];

a third memory which stores said threshold parameter transmitted from said second device [column 2 «lines 47-53» | column 7 «lines 22-50»]; and

a third device which said third and fourth memories when said second device transmits a request to said packet monitor device to start or finish monitoring said packet [column 6 «line 60» to column 7 «line 3» | column 7 «lines 22-50» | column 47 «lines 5-24»].

16> As to claim 7, Abraham discloses the analyzer analyzing whether there is any rule in said interval and whether said interval exceeds said threshold parameter [column 11 «lines 53-64»], and said annunciator makes annunciation to said end-user when said analyzer judges that there is a certain rule in said interval and that said interval exceeds said threshold parameter [column 13 «lines 53-60»].

17> As to claim 10, Abraham discloses that the monitoring parameter is included in a user management table which further includes an ID number of said user and a threshold parameter designating a method of monitoring said packet [Figures 9D, 17, 25A, 25B : notify rule, log rule | column 15 «lines 35-40»], and said step includes the steps of:

retrieving said user management table, based on said ID number input by said end-user [column 8 «lines 13-25» | column 16 «lines 12-19» : user must log in to the LAN before monitoring begins – process of logging in submits his user ID];

acquiring said monitoring parameter, if said monitoring parameter is stored in said user management table [Figure 17 : user rules]; and

acquiring said threshold parameter, if said threshold parameter is stored in said user management table [Figures 17, 25B : user policies such as quota limit | column 34 «lines 11-58»].

Abraham does not disclose storing a password related to the users.

18> Abraham does disclose storing user's information, including the user's ID and access level [column 16 «lines 6-9»]. Additionally, as is well known in the art, Abraham also discloses the feature whereby a user logs on to his terminal [column 5 «lines 63-67»]. In a related field of invention, Nickles discloses a management database that stores usernames with their respective passwords for the same purpose as Abraham [Figure 7 «item 708a» | column 6 «lines 7-17»]. Therefore it would have been obvious to one of ordinary skill in the art to have reasonably inferred that Abraham's management table would contain passwords. Such a feature is implied by Abraham because he teaches that a user is monitored only after logging into the LAN. One of ordinary skill in the art would understand this to include submitting a user ID and a password as is well known in the art. Thus, passwords are stored with user IDs, as further evinced by Nickles.

19> As to claim 11, Abraham discloses the step including the step of analyzing whether there is a certain rule in said interval and whether said interval exceeds said threshold parameter, after acquiring said threshold parameter and said step includes the step of making annunciation to said end-user, if there is a certain rule in said interval and said interval exceeds said threshold parameter [column 11 «lines 53-64» | column 13 «lines 53-60»].

20> As to claim 12, as it is merely a medium that stores the system of claim 1, it does not teach or further modify over the claimed limitations. Therefore claim 12 is rejected for the same reasons set forth for claim 1, *supra*.

21> As to claims 14-18, as they are merely mediums that store the system of claims 3-7, respectively, they do not teach over the claimed limitations. Therefore claims 14-18 are rejected for the same reasons set forth for claims 3-7, *supra*.

22> As to claims 21 and 22, as they are merely mediums that store the system of claims 10 and 11, respectively, they do not teach over the claimed limitations. Therefore claims 21 and 22 are rejected for the same reasons set forth for claims 10 and 11, *supra*.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Relyea et al, U.S Patent No. 5.706.338;

Engel et al, U.S Patent No. 6.115.393;

Nakamichi et al, U.S Patent No. 6.226.265;

Gutman et al, U.S Patent No. 6.298.383;

Porras et al, U.S Patent No. 6.321.338;

Muret et al, U.S Patent No. 6.792.458.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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